



**Policy Number:** 06-001  
**Subject:** Abandonment of Residential Premises  
**Chapter:** Abandonment

<b>Legislation</b>	s. 31
<b>Definitions</b>	<p><b>Abandonment of Residential Premises:</b> a tenant is considered to have abandoned residential premises when all 3 of the following conditions are met:</p> <ul style="list-style-type: none"> <li>• The tenant has vacated the residential premises,</li> <li>• The tenant’s rent is overdue, and</li> <li>• The rental agreement had not been terminated in accordance with the Residential Tenancies Act, 2018.</li> </ul>
<b>Purpose</b>	The purpose of this policy is to provide guidance to landlords when they suspect that their tenants have abandoned the residential premises, and to outline the procedures landlords must follow in reclaiming possession of the abandoned premises.
<b>Policy</b>	<p>Where a landlord has reasonable grounds to believe that a tenant has abandoned residential premises (see Procedure Overview, below), before entering the unit for the purpose of reclaiming possession, the landlord is required to post a notice, in a conspicuous place on the residential premises, not less than 24 hours before entering the rental unit, stating the following:</p> <ul style="list-style-type: none"> <li>(a) the landlord's belief that the tenant has abandoned the residential premises;</li> <li>(b) the landlord's intention to enter the residential premises for the purpose of taking possession unless the tenant notifies the landlord, before the time set out in the notice, that the tenant has not abandoned the residential premises; and</li> <li>(c) the day and hour when the landlord will enter the residential premises.</li> </ul> <p>Where the tenant notifies the landlord under paragraph (b) and indicates that the residential premises have not been abandoned, the landlord shall not enter the residential premises.</p> <p>Where the tenant does not notify the landlord under paragraph (b), the landlord may enter on the date and time specified in the notice. After entering and inspecting the premises, if the landlord is satisfied that the tenant has moved out, they may reclaim possession of the premises.</p>



<p><b>Procedure Overview</b></p>	<p><b><u>Applicability</u></b></p> <p>If a tenant’s rent is paid and up-to-date, a landlord may not enter and take possession of residential premises under this section of the Act, even if the landlord has evidence to reasonably conclude that the tenant has moved out.</p> <p>If either the landlord or the tenant has issued a valid termination notice under the Residential Tenancies Act, 2018, the tenancy is considered to be active and on-going through to the termination date set out in the termination notice. A landlord may not enter the premises for the purpose of taking possession of the rented premises, under this section of the Act, prior to that date.</p> <p>Even if the tenant’s rent is overdue, and even if the tenancy has not been terminated in accordance with the Act, the landlord still must have reasonable grounds to believe that the tenant has vacated, and has no intention of returning to the unit before they can issue a notice under this section. Solely failing to pay rent on time is not sufficient grounds to believe that a tenant has moved out. Additional grounds for reasonably believing that a tenant has vacated residential premises may include:</p> <ul style="list-style-type: none"> <li>- the tenant has told the landlord that she is moving out</li> <li>- the tenant has returned her keys</li> <li>- there is evidence that the tenant has removed her furniture and other possessions from the premises</li> <li>- the tenant’s utility accounts have been cancelled</li> </ul> <p><b><u>Notice</u></b></p> <p>A Landlord’s Notice of Abandonment shall be posted in a conspicuous place on the residential premises. This means that the notice must be clearly visible and would likely attract the attention of the tenant when entering or leaving the property. Conspicuous places may include the main entrance door, a window in that door, or a large window in the main living area, etc.</p> <p>The landlord must ensure that a telephone number and address where the landlord can be reached is included in the notice in order that the tenant may make contact.</p> <p><b><u>Confirmation of Abandonment</u></b></p> <p>After entering the residential premises, and before reclaiming possession, the landlord must be satisfied that the condition of the property warrants the belief that the tenant has vacated the unit and</p>



	<p>will not be returning. The clearest evidence that the tenant has vacated would be that all, or most, of her furniture and possessions have been removed.</p> <p>If the condition of the property on the date of entry does not confirm the landlord’s belief that the tenant has vacated, they should not take possession of the property.</p> <p><b><u>Hospitalization, Incarceration, Extended Holidays</u></b></p> <p>Where a tenant is hospitalized, incarcerated, or away on extended holidays, they are not considered to have abandoned the residential premises.</p> <p>In these circumstances, the tenant should make every effort to inform the landlord that they will be away from the property for an extended period, and the tenant should also make arrangements to have a representative, family member, or friend, regularly visit the unit to ensure that it is properly secured and maintained, and that mail is collected.</p>
<b>Forms &amp; Form Letters</b>	Landlord’s Notice of Abandonment ( <a href="#">RT-2018-00054</a> )
<b>X-Reference</b>	Entering Abandoned Premises, section 3-001 of this manual
<b>Policy Developed</b>	September, 2000
<b>Last Revision</b>	January, 2002 April, 2024
<b>Other Resources</b>	